

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. Dennis M. Cavanaugh
v. : 10 Cr. 851 (DMC)
STEPHEN DEPIRO, et al. : ORDER

This matter having been opened to the Court on the joint application of the United States of America and the defendants (through their respective counsel), for an order declaring this matter to be a complex case pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(ii); and the Court having considered the arguments of counsel; and the defendants being aware that absent such a finding they would have a right to be tried within seventy days of their first appearance in this district in connection with this matter, pursuant to Title 18, United States Code, Section 3161(c)(1); and the charges being the result of a lengthy investigation and the defendants needing sufficient time to review extensive discovery and to investigate the charges and file motions in this case; and Paul J. Fishman, United States Attorney for the District of New Jersey (Jacquelyn M. Rasulo and Anthony J. Mahajan, Assistant United States Attorneys, appearing) having concurred in the assertion that this matter is complex as defined in the statute; and the Court having found that an order granting a continuance of the proceedings in the above-captioned matter should be entered, and for good and sufficient cause shown;

IT IS THE FINDING OF THIS COURT that the action should be continued for the following reasons:

1. This case involves allegations of racketeering that occurred over several decades.
2. The discovery in the case is voluminous, in that it includes, among other things, at least 13 wiretaps and one bug, recordings from multiple cooperating witnesses, and numerous

documentary records, including union by-law, financial and employment records, spanning decades.

3. The defendants and their counsel need time to review the extensive discovery in this matter.

4. In light of the allegations, the defendants need sufficient time to investigate the charges.

5. In light of the discovery and depending on the results of their respective investigations, each defendant will need time to determine whether to file motions in this matter and which motions should be filed.

6. In light of these findings, and given the nature of the case and its complexity, it is unreasonable to expect adequate preparation for pretrial proceedings or the trial itself within the time limits established under the Speedy Trial Act.

7. The defendants consent to the aforementioned continuance.

8. The grant of a continuance will enable counsel for the defendants to adequately review the discovery, prepare motions and proceed with trial.

9. Pursuant to Title 18, United States Code, Section 3161(h)(8), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendants in a speedy trial.

WHEREFORE, it is on this 22 day of March, 2011


ORDERED that this matter be and hereby is designated a complex case;

IT IS FURTHER ORDERED that the proceedings in this matter are continued from January 20, 2011 until August 1, 2011;

IT IS FURTHER ORDERED that the period between January 20, 2011 and August 1, 2011, shall be excludable in computing time under the Speedy Trial Act of 1974;

IT IS FURTHER ORDERED that the defendants shall file their motions no later than August 1, 2011, or 90 days after the government has turned over discovery to the defendants, whichever is later; and

IT IS FURTHER ORDERED that a schedule of proceedings in this matter shall be set once the defendants' motions have been filed.



HON. DENNIS M. CAVANAUGH
United States District Judge